

REMARKS

Applicant herewith cites by Information Disclosure Statement a German document entitled HALBAUTOMATISCHE VEROACKUNGSANLAGE and believed to originate from a German company known as Heripack. The subject document is believed to show a palletizing device with two vertically positionable platforms, one serially receiving items for stacking the other serving as a layer-building platform. Transfer from the former the later occurs at a fixed location near the top of the machine. In other words, each row is transferred from the receiving platform to the layer-building platform at a fixed height independent of a current top-of-stack height.

Applicant believes the subject device lacks a vertically positionable row transfer device. In other words, the position of the first and second platforms at the time of row transfer is fixed, there being no ability to transfer rows at a height corresponding to the current top of stack height.

Row transfer at a vertically positionable height, e.g., corresponding to a top-of-stack height, improves overall throughput.

Additional information is believed to be available at www.heripack.de on the world wide web.

Respectfully submitted,

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CERTIFICATE OF FACSIMILE TRANSMITTAL

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being facsimile transmitted to the Patent and Trademark Office to FAX number 1-703-872-9327 Attention Examiner Michael Lowe, Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450 as provided and as referenced above and on the date indicated below.

Date of Facsimile

9-18-03

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